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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,717	10/23/2001	Richard J. Knapp	387778.0089	3818

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EXAMINER

NGUYEN, TAN D

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,717	KNAPP, RICHARD J.	
	Examiner	Art Unit	
	Tan Dean D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on IDS was filed after the mailing date of the application on 4/26/02. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claims 15-21, 1-14, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of VAN AKEN et al.**

Claim 15 is as followed:

15. A method for facilitating communications between a specifier and one or more suppliers, said method comprising:

- a) receiving an e-palette across a computer network at a server, said e-palette originating from a specifier workstation and including parameters related to said e-palette, said parameters including a predetermined set of suppliers associated with said e-palette by said specifier;
- b) automatically communicating to said predetermined set of suppliers the existence of said e-palette at said server; and
- c) permitting remote access to said e-palette by said predetermined set of suppliers at said server.

Claim 15 basically **reads over**:

A method for facilitating communications between 2 parties, wherein the two parties are a designer/specifier and a supplier, said method comprising:

- a) receiving an e-palette (or color palette in electronic/digital form) across a computer network at a server, said e-palette originating from a specifier workstation and including parameters related to said e-palette, said parameters including a predetermined set of suppliers associated with said e-palette by said specifier;
- b) automatically communicating to said predetermined set of suppliers the existence of said e-palette (color standards) at said server; and
- c) permitting remote access to said e-palette (color standards) by said predetermined set of

suppliers at said server.

As discussed under "Background Art" on pages 1-4, **AAPA** discloses a conventional method for communications of colors / color standards between 2 parties, (1) a designer/specifier and (2) one or more suppliers, said method comprising:

- a) the specifier fabricate (develop) a desired color standard (or standards) and ship and the color standard to the supplier, the supplier reviews the color standard, make color match(es), submitting physical exemplars of their "matches" to the designer/specifier for quality control evaluation;
- b) the specifier communicates to the pre-determined set of suppliers about the color standards;
- c) permitting access to the color standards by the predetermined set of suppliers.

AAPA fairly teaches the claimed invention except for carrying out steps (a)-(c.) (or managing color (or color standard) communication) across a computer network at a server (or Internet).

In another similar environment, **VAN AKEN et al** discloses method for managing colors or color standards (color palette in electronic form) across a computer network at a server between at least 2 parties, (1) master color lab and (2) one or more various remote laboratories {see col. 2, line 66 to col. 3, line 19}, said e-palette originating from a 1st party workstation and including parameters related to said e-palette, said parameters including a predetermined set of

2nd parties (various remote laboratories) associated with said e-palette by said specifier;

- b) communicating to said predetermined set of 2nd party members the existence of said e-palette at said server; and
- c) permitting remote access to said e-palette by said predetermined set of 2nd party members (various remote laboratories) at said server {see Figs. 1, 3 and 4}.

As for the limitation of "automatically" on step (b), this is inherently included in the Internet communication of VAN AKEN et al as described above. Moreover, to make any step automatic to avoid manual operation is well known teaching would have been obvious to a skilled artisan. See In re Venner, 120 USPQ 192, CCPA 1958.

Note that VAN AKEN et al disclose that the 1st party, can be a manufacturer and the 2nd parties can be different manufacturers and/or different locations (remote locations) of the same manufacturer {see col. 1, lines 10-40, col. 5, lines 33-38}. Therefore, the types of the parties are not critical and would have been obvious to select any types of parties as long that the communication are between two different locations. Therefore, the use of two different parties in AAPA, i.e. (1) designer/specifier and (2) a supplier are not critical and would have been obvious to implement the automatic and online color communication management of VAN AKEN et al in the manual process of AAPA to obtain well known benefits of the Internet or online communication which are convenient, fast, availability, everywhere and low cost.

As for dep. claim 16 (part of 15 above), which deals with the color communication parameters, including other transaction information beside the color information, these

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are inherently included in the teachings of AAPA since the materials order (buy and sell of colors) communication between the buyer and seller normally includes other well known transaction information such as response time frame, cost data, shipping data, etc.

As for dep. claims 17-20 (part of 15 above), which deal with well known communication management parameters between 2 parties, i.e. submission of information regarding colors, communicating, storing information, accessing restriction to authorized user, etc., these are well known online communication parameters and would have been obvious to practice them for effective online communication.

As for dep. claim 21 (part of 15 above), which deal with validation (certifying) of the operation of the color measuring equipment, this is fairly taught in VAN AKEN et al col. 3, lines 35-57.

As for independent system claims 1 and 22, which are basically the system to carry out the method claim 15 above, they are rejected over the system of AAPA /VAN AKEN et al to carry out the method claim 15 as cited above. Alternatively, it would have been obvious to a skilled artisan to set up the corresponding system to carry out the method claim 15 as cited and rejected above.

As for dep. claims 2-13 and 23, which are basically having the same features as in dep. claims 16-21 (part of 15 above), they are rejected for similar reasons set forth in the rejections of claims 16-21 as cited above. Note also the various well known online communication parameters, such as access to information/report, authorized user,

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storing data, others, etc., would have been obvious to a skilled to practice these parameters if desired.

As for dep. claims 14 and 24, which deal with the communication language protocols, i.e. CxF (or color exchange format), these are inherently included in the online color communication of VAN AKEN et al as shown in Fig. 1 and 4. The use of other Internet language protocol, XML and other, would have been obvious to a skilled artisan as mere using other similar online language to achieve similar results of managing color communication, absent evidence of unexpected results.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Luo et al (US 7,012,617) discloses a method and system for representing a digital color image using a set of palette colors based on detected important colors.

2) Grover et al (US 5,737,518) for teaching of automatically analyze and communicate on the network system and provide report if necessary. These have some of the non-critical teachings of the claimed invention and are cited here for applicant's awareness of potential use in the future if needed for the teachings of "analyze", "automatic", "provide report".

No claims are allowed.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

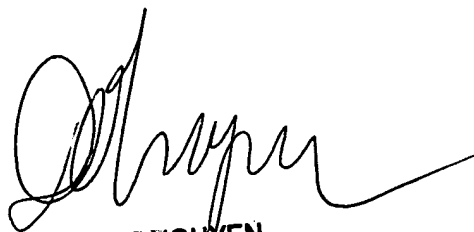
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtn
August 18, 2006



DEAN T. NGUYEN
PRIMARY EXAMINER